REMARKS

This application has been reviewed in light of the Office Action dated December 15, 2003. Claims 1-24 are presented for examination, of which Claims 1, 5, 9, 13, 17, and 21 are in independent form. Each of the pending claims has been amended only as to formal matters, and not to overcome the rejections discussed below. Favorable reconsideration is requested.

As an initial matter, Applicant noticed that the Examiner did not fully acknowledge receipt of the certified copy of the priority document for this application, because item 13(a)(1) on the Office Action Summary is not completed. Applicant respectfully requests the Examiner to place an "x" in the box at item 13(a)(1) to acknowledge that the certified copy has been received.

The Office Action states that Claims 1-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,796,633 (Burgess et al.) in view of U.S. Patent No. 6,101,500 (Lau). Applicant respectfully traverses the rejections and submits that independent Claims 1, 5, 9, 13, 17, and 21, together with the claims dependent therefrom, are patentably distinct from the cited prior art for at least the following reasons.

The present invention relates to a network in which a plurality of computers and a plurality of peripheral devices operate in a shared environment. According to an aspect of the present invention set forth in Claim 1, a data processing apparatus is adapted to communicate data through the network to each of the plurality of computers and the plurality of peripheral devices connected to the network.

The data processing apparatus includes display means, first discriminating means, and first control means. The display means displays the plurality of computers and the plurality of peripheral devices as symbol information on a virtual system display screen. The first discriminating means discriminates, from the plurality of computers, a licenser computer having a license server function for issuing a predetermined license to the data processing apparatus. The first control means controls the licenser computer such that the licenser computer may be identified from other devices on the virtual system display screen.

One of the notable features of Claim 1 is that the licenser computer is discriminated from the plurality of computers by the first discriminating means, and is able to be identified from other devices on the virtual system display screen. By virtue of this feature, a user may easily identify which computer is the licenser computer for issuing the predetermined license to the data processing apparatus.

Burgess et al. relates to a system for monitoring the performance of a computer in a computer network. As understood by Applicant, Burgess et al. teaches that performance data is recorded in a central database, and alerts are generated when a performance problem is indicated.

Lau relates to a network management system for managing objects in a hierarchical manner. As understood by Applicant, Lau teaches that a composite index is determined for a each network object, and the composite index is used as an indicator of the health of the object.

Applicant submits that a combination of Burgess et al. and Lau, assuming such

combination would even be permissible, would fail to teach or suggest a data processing apparatus that is adapted to communicate data through a network to each of a plurality of computers and a plurality of peripheral devices connected to the network, wherein the data processing apparatus includes "first discriminating means for discriminating, from the plurality of computers, a licenser computer having a license server function for issuing a predetermined license to said data processing apparatus," and "first control means for controlling the licenser computer discriminated by said first discriminating means such that the licenser computer may be identified from other devices on the virtual system display screen," as recited in Claim 1.

In the Office Action, it is conceded that Burgess et al. fails to disclose the first discriminating means and the first control means of Claim 1. Applicant concurs. The Office Action then states that in the "same field of endeavor Lau disclosed MS-DOS operating systems from Microsoft Corporation, the Unix Operating system available from may Vendors, such as Sun Microsystems, Inc., and the Hewlett-Packard Corporation, or the Net ware or Intranet- Ware operating systems available from Novell, Incorporated (windows and MS-Dos are registered trademark in the United States licensed exclusively through X/Open Company, Ltd, NetWare and Intranet Ware are registered trademarks of Novell, Incorporated) (column 9, lines 15-25)." From this, it is alleged in the Office Action that one of ordinary skill in the art would have incorporated the first discriminating means and the first control means "as taught by Lau in the method of Burgess to allow easy tracking of the configuration of computers in the network."

Applicant respectfully submits that the cited portion of Lau has nothing to do with discriminating a licenser computer having a license server function for issuing a

predetermined license to a data processing apparatus. Further, the cited portion of Lau also has nothing to do with controlling a licenser computer such that the licenser computer may be identified from other devices on a virtual system display screen. The cited portion of Lau merely states that UNIX is an operating system that is licensed exclusively through X/Open Company, Ltd.

Should the Examiner disagree with the above, Applicant respectfully requests an explanation of where, in Lau or in Burgess et al., there is any description of a licenser computer having a license server function for issuing a predetermined license to a data processing apparatus, and where there is any description of discriminating means for discriminating the licenser computer from a plurality of computers. Additionally, Applicant respectfully requests an explanation of where, in Lau or in Burgess et al., there is any description of controlling a licenser computer such that it may be identified from other devices on a virtual system display screen.

Accordingly, Applicant submits that Claim 1 is patentable over the cited art, and respectfully requests withdrawal of the rejection under 35 U.S.C. § 103(a). Independent Claims 5, 9, 13, 17, and 21 include similar discrimination and control features as those discussed above, and therefore are believed to be patentable for at least the above reasons.

Further, the other rejected claims in this application depend from one or another of the independent claims discussed above, and therefore are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own

merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

CONCLUSION

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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